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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,236	12/15/1999	JOSEPH C. HARROW	062891.0311	8644

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BAKER & BOTTS LLP
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EXAMINER

PIZARRO, RICARDO M

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/465,236

Applicant(s)

HARROW ET AL.

Examiner

Ricardo M. Pizarro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-7,9-14 and 32-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7,9-14 and 32-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 38, 2-7, 39, 9-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Su. U.S. patent No. 6,463,414 (Su et al) discloses a conference bridge processing of speech in a packet network environment including an apparatus for using a plurality of processors to support a media conference comprising : mixing processor (mixers elements in Fig. 2) operable to mix input media information associated with two or more first participants (participants 1, 2, .. in Fig. 2) to generate output media information for communication to a second participant (participant 3 in Fig. 2), a first media transformation processor coupled to the mixing processor (i.e. encoder 232 in Fig.2 is a media processor is coupled to the mixing processor 3) , said processor operable to receive the output media information from the mixing processor (encoder

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element receive output information from mixing processor in fig.2) to encode the output media information to generate an output data stream and to communicate the output data stream to the second participant's end-user device, as in claims 38 and 39; a second media transformation processor coupled to the mixing processor said second processor operable (i.e. decoder 230 is a media processor coupled to the mixing processor in fig. 2) to receive an input data stream from a first participant's end-user device (participant 1) to decode the input data stream (input 210 in Fig. 2) to generate input media information associated with the first participant and to communicate the input media information associated with the first participant (participant 1 in Fig. 2) and to communicate the input media information associated with the first participant to the mixing processor, as in claims 2 and 9; said second processor operable (i.e. decoder 230 is a media processor coupled to the mixing processor in fig. 2) to receive an input data stream from a first participant's end-user device (participant 1) to decode the input data stream (input 210 in Fig. 2)to generate input media information associated with the first participant and to communicate the input media information associated with the second participant (participant 2 in Fig. 2) and to communicate the input media information associated with the second participant to the mixing processor, as in claims 3 and 10; wherein said mixing processor is operable to receive an input data stream from a first participant's end user device and to decode the input data stream to generate input media information associated with said first participant, as in claims 4 and 11.

3. Claims 40, 32-34, 37 are rejected under 35 U.S.C. 102(e) as being unpatentable over Su. A plurality of end user devices (end user device 1-2,3,..n in Fig, 2) coupled to a data network

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(i.e. coupled to packet network 102) and operable to generate media information to encode input media information to generate input data streams (devices have encode/ decode means at the bridge) , a conferencing device coupled to the data network(conference bridge 200 in Fig. 2), the conferencing device comprising processors operable to decode input data stream to generate the input media information (decoder means at device 200 in Fig. 2), to mix the input media information to generate output data information (mixers elements in Fig. 2) and to encode the output data to generate output streams, wherein the end-user devices are further operable to receive the output data stream and to decode the output streams to generate output media information (end-user devices inherently include encode/decode means) as in claim 40; wherein the conferencing device further comprises a mixing processor operable to mix the input information to generate the output media and one or mote transformation processor (encoder means at conference bridge 200 in Fig. 2) operable to encode the output media information to generate output data streams, as in claims 32-34; wherein the conference is a voice conference (col 2 lines 12-16), as in claims 7, 37.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 6 , 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Su in view of Leondires.

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Su did not specifically disclose said processors being separate as in claim 35, being DSP as in claim 36.

US patent No. 5,841,763(Leondires et al) discloses a conferencing device with separate processors (separate processor in Fig. 3) , as in claim 5, 35, said processors are DSP (col 14 lines 51-60), as in claims 6, 36.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the DSP means as disclosed in Leondires to the Su system with the motivation of obtaining a conferencing system equipped to service conferees that employ ITU standards wherein the number processing resources can be reduced

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314

(for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **Ricardo Pizarro** whose telephone number is **(703) 305-1121**.

The examiner can normally be reached on Monday-Thursday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, **Douglas Olms**, can be reached on **(703) 305-4703**.

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703) 305-4700.

August 17, 2004

Ricardo M. Pizarro

Douglas W. Olms
DOUGLAS OLMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600